

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

GINO ROMANO d/b/a)	
MICHAEL SCOTT PESCE)	
)	
Plaintiff,)	
vs.)	NO. CIV-09-296-HE
)	
BERNARD MADOFF)	
a/k/a BERNIE MADOFF,)	
)	
Defendants.)	

ORDER


Plaintiff Gino Romano, a federal prisoner appearing *pro se* filed a motion requesting a temporary restraining order and preliminary injunction. Consistent with 28 U.S.C. §636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Doyle W. Argo. He concluded that the court lacks jurisdiction to grant injunctive relief since no complaint has been filed. He recommends that the plaintiff's motion be dismissed.

The plaintiff failed to object to the magistrate judge's Report and Recommendation and thereby waived his right to appellate review of the issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C); LCvR72.1. Accordingly, the court adopts Magistrate Judge Argo's Report and Recommendation. The motion is denied for lack of jurisdiction and the action is dismissed without prejudice.¹

¹*The court notes that the plaintiff has failed to provide the court with a notice of change of address. At the time he filed his motion, the plaintiff was confined at the Federal Transfer Center in Oklahoma City. The docket sheet reflects that the last mailing to him was returned as undeliverable.*

IT IS SO ORDERED.

Dated this 22nd day of April, 2009.



JOE HEATON
UNITED STATES DISTRICT JUDGE